

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

JEFFREY ROBERT GEORGE,

Petitioner,

v.

**Civil No. 1:07cv147
(Judge Keeley)**

WARDEN FCI GILMER,

Respondent.

**ORDER GRANTING IN FORMA PAUPERIS BUT REQUIRING
PETITIONER TO PAY THE \$5.00 FILING FEE**

On October 16, 2007, the *pro se* petitioner filed a letter in the United States District Court for the Southern District of West Virginia that was construed as a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Because the petitioner is incarcerated at FCI Gilmer, the matter was transferred to this Court and docketed on November 2, 2007. On that same date, the Clerk's office sent out a deficiency notice requiring the petitioner to either pay the \$5.00 filing fee or submit an application to proceed without prepayment of fees and a prisoner trust account report. On November 13, 2007, the petitioner filed his application and prisoner trust account but did not submit the required ledger sheets. Following, a second Deficiency Notice, the petitioner submitted his prisoner trust account statement which is sufficient to interpret as ledger sheets.

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of *in forma pauperis* status pursuant to 28 U.S.C. § 1915. On November 14, 2007, the petitioner had \$80.36 in his prisoner trust account, the average monthly deposits for the prior six months was \$200.68, his six month average daily balance was \$29.40, and

his average daily balance for the previous thirty days was \$29.49.

Accordingly, the petitioner is GRANTED *in forma pauperis* status. However, because petitioner had sufficient funds in his prisoner trust account to pay the required filing fee, petitioner will be required to pay the \$5.00 filing fee within **thirty (30) days** from the date of this Order. **Failure to pay the \$5.00 fee within the required time period will result in a recommendation that his case be dismissed.**

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* petitioner by certified mail, return receipt requested, to his last know address as reflected on the docket sheet.

Dated: December 3, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE